

VIGO COUNTY COUNCIL
Minutes
Abatement Review Meeting
Tuesday, June 9, 2009 at 4:30 P.M.

Pledge of Allegiance

Tim Curley who led the Pledge of Allegiance called meeting to order.

Calling of the roll

Roll Call.

Present: Bill Bryan, Brad Anderson, Tim Curley, Darrick Scott, Mark Bird, and Kathy Miller. Ed Ping is in route. Mr. Ping arrived at 4:42 p.m.

Public comment

None

Communications from elected officials of the County

Debbie Lewis, Co Assessor addressed council. She thanked council for allowing assessors office to participate in this abatement meeting. She explained that there are certain bits of info (specifically form 103) that by statute is confidential and cannot be discussed. Anything else she would be happy to help and has necessary documentation to provide explanations should they be required.

Tim Seprodi addressed and asked that we support house bill 1447 by communicating with our representatives and try to get this bill passed. It affects welfare funds, which are presently required to be put into the excess levy fund, which will lower our rates next year. If this bill is heard and passed, it would allow welfare monies to be put into the Rainy Day fund (in excess of six million dollars) and our rates would not be lowered. It will help the county to get it passed. It died in either the House or Senate but could be re-heard and passed if enough people contact our Senators and Representatives (Kersey, Skinner, et al) to say they want to see this bill passed.

Communications from other officials or agencies

None

Review of compliance forms

Kathy Miller advised that this meeting was to determine which property owners were in compliance and which were not. Those not in compliance will be given

written notice that they are not in compliance and a hearing will be set to meet with them and make a final determination depending on the criteria presented at the hearing.

a. Aisin Brake & Chassis, Inc

Per Cheryl Loudermilk and Kylissa Miller, there have been three resolutions passed. 2001 and 2005 they had real property and also personal property in 2005. Mark Bird asked about the difference in actual and estimated employees. They are over the number of employees from what they estimated they would have (182) and were up to 497 actual at one time. They are down now but still above the 182 estimated in 2005 so they are in compliance (per Brad Anderson). Recent numbers are as of March 1, 2009. **Motion:** Approve Aisin as in compliance on real & personal property. **Action:** Approve, **Moved by** Bill Bryan, **Seconded by** Tim Curley. All council members in agreement that Aisin is in compliance. Oral vote **Yes:** summary = 7.

b. Boral Brick, Inc

Plant is shut down now so they are not in compliance. They are down about 21 employees and payroll is down \$300,000 per Kylissa Miller, chief deputy auditor.

Kathy Miller, president, asked the council attorney what they could do if the company is not in compliance. Mr. Effner, council attorney advised council should notify them that they have not complied with the statement of benefits. Council can advise them that they have 30 days to reply. Bill Bryan asked if council could work with them since the economy seems to have impacted them adversely. Mr. Ed Ping does not want to base non compliance on this economic basis. Mr. Effner, attorney, advised that Boral Brick will be able to explain their side of case when they reply to the non compliance notice.

Per Debbie Lewis, County Assessor, Boral Brick is asking for \$120,000 abatement against twenty nine million dollar assessment. Brad Anderson advised we don't want to harm local businesses.

Motion: They are not in compliance and should be so notified **Action:** Approve, **Moved by** Darrick Scott, **Seconded by** Mark Bird. Oral vote **Yes;** summary =7

Kylissa Miller, chief deputy auditor, asked if the council should establish some sort of percentage in order to determine whether these businesses are in "substantial" compliance. Mr. Anderson advised he would like to see a committee formed to review abatements in the future. Perhaps involve Steve Witt, and Economic Development. No action was taken.

- c. Certainreed Corp
Mr. Anderson advised that they are back in production and have recalled all laid off workers. Cheryl Loudermilk pointed out that Certainreed did not provide actual amounts on form. **Motion:** They are in non-compliance for personal property, as they did not provide actual amounts on the form. **Action:** Approve, **Moved by** Darrick Scott, **Seconded by** Mark Bird. Oral vote **Yes** summary = 6, **Nay** = 1 Brad Anderson **Motion:** They are not in compliance regarding real property, as statement of benefits was not received. **Action:** Approve, **Moved by** Mark Bird, **Seconded by** Tim Curley. Oral vote **Yes:** summary = 7
- d. Danisco
Mark Bird asked Debbie Lewis, County Assessor, if she had seen anything out of place regarding Danisco. No, statement of benefits is properly filled out and in compliance **Motion:** They are in compliance, **Action:** Approve, **Moved by** Mark Bird, **Seconded by** Bill Bryan. Oral vote: **Yes** summary = 7
- f. Futurex Industries, Inc
Motion: Not in compliance due to statement of benefits regarding personal property, **Action:** Approve, **Moved by** Darrick Scott, **Seconded by** Bill Bryan. Oral vote: **yes** summary = 7
- g. Robert Hasbrouck, Has Tech Resource
Motion: They are in compliance, **Action:** Approve, **Moved by** Brad Anderson, **Seconded by** Tim Curley Oral vote: **Yes** summary = 7
- h. Keebler Co.
They are still falling under the abatements of Indy Bake per Cheryl Loudermilk. Real property has about 1-2 years left **Motion:** They are in compliance for real and personal **Action:** Approve, **Moved by** Darrick Scott, **Seconded by** Mark Bird. Oral vote: **Yes** summary = 7
- i. Landstone Corp
Motion: They are not in compliance with personal property as they have not completely filled out statement of benefit form (no amount in estimated column) **Action:** Approve, **Moved by** Darrick Scott, **Seconded by** Mark Bird. Oral vote; **Yes** summary = 7
- j. Marion Tool and Die, Inc.

Statement of benefits does not sound reasonable (numbers do not add up or seem reasonable – employees vs. salaries) **Motion:** Not in compliance for real property, **Action:** Approve, **Moved by** Darrick Scott, **Seconded by** Ed Ping. Oral vote: **Yes** summary = 7

k. Northern Indiana Public Service Co

Motion: They are in compliance **Action:** Approve, **Moved by** Mark Bird, **Seconded by** Darrick Scott. Oral Vote: **Yes** summary = 7

l. Novelis Corp

Salaries are up but total is down (fewer employees). This is for personal property and near the end. Kylissa Miller advised that if this was for equipment even though it is at the end of the abatement period, if a company purchases new equipment during the 9th year it will increase that abatement for another ten years so you could conceivably get twenty years from a ten year abatement (per DGLF). **Motion:** Not in compliance with statement of benefits, personal property, per number of employees), **Action:** Approve, **Moved by** Bill Bryan, **Seconded by** Tim Curley. Oral Vote: **Yes** summary = 7

m. Pfizer Inc

Per President Kathy Miller we will review this at a later date.

n. Staples, Inc.

Statutes say substantial compliance but it's up to council to determine what is compliant. Council determines that they are in compliance based on statement of benefits. **Motion:** in compliance, **Action:** Approve, **Moved by** Brad Anderson, **Seconded by** Bill Bryan. Oral Vote: **Yes** summary = 7

o. Wabash Valley Packaging Corp./Phoenix Projects

Personal property – WVP is personal property and real estate is Phoenix Projects. Real property numbers are down but personal property numbers are up. They did not submit statement of benefits on real property; they filed at different times and gave auditors office different paperwork than they gave assessor's office.

Motion: Not in compliance because of difference in paperwork supplied to assessor/auditors office. **Action:** Approve, **Moved by** Brad Anderson, **Seconded by** Bill Bryan. Oral vote: **Yes** summary = 7.

Per Mr. Effner, attorney advised that council has 30 days to set up time to meet with these businesses that have been found to be in non-compliance, seven (7) total.

Bill Bryan asked how much time would be needed to meet with each business? President Kathy Miller advised they could set time limit. They will have to appear before this council at day and time set.

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Brad Anderson asked if a committee should be set up to discuss this first. Attorney advised that the hearing has to be before a full council; doesn't know what a committee would do as there is not a committee aspect to this process. Kylissa Miller asked if a committee should be created? Mr. Effner advised that's up to the council. Brad Anderson thinks a committee should be formed. Steve Witt, Economic redevelopment, thought an abatement committee would be a good idea. They could do preliminary work and advise council before the annual abatement meeting. Terre Haute City Council is thinking of the same thing. They have established a 'point system' for both real and personal property to determine how to determine future abatements. Vigo County might be wise to think of doing the same thing. Kathy Miller, Council President, feels that for this year the council should be the deciding factor and in 2010 we could perhaps set up a committee to advise council. Bill Bryan concurred which pleased Kathy Miller.

Hearing date/times were set as follows: June 30, 2009 beginning at 1:00 p.m. and ending at 5:00 p.m., going in the order in which they appeared on the agenda/minutes list. They are set for thirty (30) minute increments This will be a public hearing.

Adjournment

Motion: To adjourn **Action:** Adjourn, Moved by Darrick Scott, **Seconded by** Bill Bryan **Oral Vote: Yes** summary = 7

Adjourned at 5:50 p.m.